

## **REMARKS**

This is in response to a non-Final Office Action mailed October 6, 2005, having a 3 month due date of January 6, 2006. This amendment is being submitted with a one-month extension of time. For the reasons discussed below, it is submitted that all pending claims 1-34, 36-37, 40-55, 57-58 and 60-77 are in condition for allowance.

### **Pending Claims**

In the present Office Action, the Examiner indicates that claims 33-76 are currently pending. However, original claims 1-32 were not cancelled. In the Preliminary Amendment filed March 11, 2005, Applicants request on line 2 of Page 7 that the Examiner "please also examine newly added claims." Applicants apologize for any confusion and submit that claims 1-32 are currently pending. Examination of these claims is respectfully requested.

### **Objection to Drawings**

The Examiner objects to the drawings based on 37 C.F.R. §1.121(d). Submitted herewith are formal drawings of all Figs. 1-54H. No amendments or changes to the original drawings have been made. Therefore, withdrawal of the objection is respectfully requested.

### **Amendment to Claims**

Applicants herein submit amendments to claims 1, 16-17, 32-34, 36-37, 46-47, 54, 67-68 and 72-76. Applicants also herein submit the cancellation of claims 35, 38-39, 56 and 59-60 and the addition of claim 77.

Claim 77 does not add any new matter beyond the application as originally filed. Applicants submit the following table supporting that all limitations of added claim 77 are supported by the present application, as originally filed.

Added Claim	Specification of above-noted application
77. A method for conducting a fundraising campaign by an organization over a wide-area network, comprising the steps of:	... a web site is created that allows Fundraising Organizations to raise money on the Internet. (page 2, lines 21-22), [0009] ...
hosting a website including a plurality of linked web pages, the website providing information about the fundraising campaign and soliciting potential donors to make a charitable contribution to the	...a Fundraising Organization sets up an online fundraising Campaign by creating a fundraising Home Page ... The Home Page provides a description of the Fundraising Organization, and the purpose for which money is needed. (page 2, lines 23-26), [0010] ...Campaign Manager usually sends an initial

fundraising campaign;	Solicitation Message and several follow-up Solicitation Messages to all Potential Supporters... (page 21, lines 2-3), [0143] Participants can send message to or reply to message from Potential Supporters through an electronic mailbox. (page 21, lines 7-8), [0144]
providing a link to a personal donation page in one or more electronic messages to third parties from a solicitor registered on the website, the personal donation page having the name and personal campaign goal of the solicitor; and	After Potential Supporters' e-mail addresses have been collected, the Campaign Manager may compose an initial Solicitation Message to send to all Potential Supporters. (page 17, lines 22-24), [0124]  In the example shown in FIG. 38, a supporter "Uncle Sam" might see his name 565 appear at the top of the Home Page. The text 570, the image 575, the start date 580, and the objectives (i.e., how much money needs to be raised) 585 as described above in relation to FIG. 4. (page 25, lines 21-25), [0173]
receiving a charitable contribution from the donor.	Potential Supporters can enter the amount of money they would like to contribute in pull-down menus. A Potential Supporter may be allowed to choose the amount she would like to contribute from predetermined increments. Alternatively, a Potential Supporter may be allowed to type in the amount she would like to contribute. (page 27, lines 26-29), [0180]

### **Claim Objections**

On page 2 of the present Office Action, the Examiner objects to certain terms in claims 35-39. Claims 35 and 38-39 have been cancelled and therefore this objection is moot. As to claims 36-37, Applicants assume this is a typographical error because claims 36 and 37 do not contain the recited language to which the Examiner objected, specifically "teams participating in the competition."

### **Rejection of Claims under 35 U.S.C. §112, ¶1**

Claims 33, 35-53, 54, and 56-76 are objected to. The Patent Office contends that these claims are based on a non-enabling disclosure. As understood, in Paragraph 3 on Page 3 of the present Office Action, the Examiner asserts that "making a charitable donation on the website" is an essential element for the enablement of independent claims 33, 54 and 73-76. Applicants respectfully disagree.

Claims 33 and 75 recite a "method for conducting a fundraising campaign." Claims 54 and 76 recite a "system for conducting a fundraising campaign." Claim 73 recites a "method for hosting a web-based fundraising system " and claim 74 recites a "computer

program product ... for conducting a fundraising campaign.” These claims are generally directed to conducting or hosting a fundraising campaign, which may include numerous steps. Receiving donations in a fundraising campaign may be one step, but is NOT an essential step. For example, a fundraising campaign does not need to immediately collect funds to be a fundraising campaign. If the pending claims recited a method or system for collecting funds, then the Examiner’s assertion of the step of collecting funds may be essential, but as the noted claims are directed to hosting or conducting a fundraising campaign, the campaign itself can and may exist outside of the actual receipt of donated funds. Therefore, Applicants respectfully submit the rejection is improper because the step of receiving a charitable contribution (while certainly a goal for any successful campaign) is not essential for **hosting or conducting** the fundraising campaign.

#### **Rejection of Claims under 35 U.S.C. §112, ¶2**

Claims 33-76 stand rejected under 35 U.S.C. §112, ¶2. The Patent Office contends that these claims are indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. The Examiner notes numerous terms in the noted claims.

As to the phrase “registering on the website,” that phrase has been deleted from claims 33, 54, 73 and 75-76.

As to the phrase “email messages,” that phrase has been amended to “electronic messages” in claims 33, 36, 54 and 73-76.

As to the language in claims 35 and 38-39, these claims are cancelled therefore the rejection is moot.

As the term “emails,” this term has been amended to “electronic messages” in claims 46, 67 and 75-76.

#### **Rejection of Claims Under 35 U.S.C. §§102/103**

Claims 33-34, 36-37, 40-55, 57-58 and 61-76 stand rejected under 35 U.S.C. § 102(e). The Patent Office contends that these claims are anticipated by or, in the alternative, under 35 U.S.C. § 103(a) obvious over US 2002/0049816 A1 ("Costin, IV et al.").

Costin was originally filed on March 26, 2001 and has a priority based on Provisional Application Serial No. 60/191,758 filed on March 24, 2000. Attached hereto, Applicants submit a signed Affidavit executed by the inventors, Eric Aubertin and Eric Vaillancourt, under 37 C.F.R. §1.131 attesting that the present invention was conceived and reduced to

practice prior to March 24, 2000. In support of this Affidavit, Applicants submit a copy of promotional literature (a pamphlet) that was sent to prospective customers prior to March 24, 2000. This promotional literature includes a detailed description of the online fundraising site offered by eFundraising.com, the assignee of the present application. In addition, this promotional literature includes a sample screen shot of an online fundraising web site.

The brochure illustrates several of the many features available in the online fundraising web site available prior to March 24, 2000. For example, the left side of the tri-fold brochure states that "a Personalized Web Page is automatically created for your School/Group." In the middle portion, the sample screen shot illustrates various products offered for sale in the fundraising campaign and active links to different pages for purchasing items or donating money. Claim 33, among other claims, recites "conducting a fundraising campaign over a wide-area network" including "hosting a website including a plurality of linked web pages, the website providing information about the fundraising campaign and soliciting potential donors to make a charitable contribution to the fundraising campaign."

In another example, the left side of the tri-fold brochure further states that "Your members or students collect e-mail addresses from family, friends, relatives, co-workers, etc., using the e-Mail Collection Forms provided by eFundraising; Supporters will visit your Fundraising Web Page to buy high-quality products," where obviously the supporters are contacted using the collected e-mail addresses. Claim 54, among other claims, recites "contacting third parties via electronic messages soliciting charitable donations."

In another example, the screen shot illustrates an active link for a person to donate funds. Claim 34, recites, *inter alia*, "receiving a charitable donation from the third parties via the website." In the screen shot, at the top of the page is a personalized greeting "Hi Uncle Bob." Claim 45 recites, *inter alia*, "providing a personalized donation page for a solicitor." In the middle portion of the brochure, the screen shot illustrates the Jackson High Spartan Elementary School is attempting to raise \$14,000 for 10 new computers and you can purchase Food, Magazines or Musical CDs. Claim 64 recites the fundraising campaign including selling magazines or other items.

In view of the Affidavit executed under 37 C.F.R. §1.131, Applicants respectfully submit that Costin is not prior art. Therefore, the rejection of claims 33-34, 36-37, 40-55, 57-58 and 61-76 based in whole or in part on Costin should be withdrawn.

Claims 35, 38-39 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Costin, IV et al. in view of Article, "BT: Sheryl Gascoigne ... Swimathon '99" (hereafter as "BT Article") or Article "LeuKaemia Busters ... Fundraising week", page 5

(hereafter as "LEUKAEMIA Article"). As claims 35 and 38-39 have been cancelled, this rejection is therefore moot.

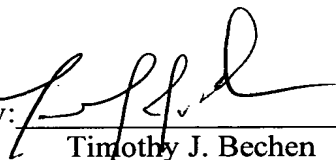
**CONCLUSION**

In view of the above amendments and remarks, it is respectfully submitted that all of the presently pending claims 1-34, 36-37, 40-55, 57-58, 61-77 are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

KENYON & KENYON LLP

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**Amendments to the Drawings:**

Attached hereto are 39 Replacement Sheets of drawings for all Figs. 1-54H. The Replacement Sheets are formal drawings and do not amend the drawings as filed.